

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BONNIE WEBB and ANGELA FULLER)	
f/k/a ANGELA GRUBBS, on behalf of)	
plaintiff and a class,)	
,)	Case No. 11-cv-5111
Plaintiff,)	
v.)	Judge Joan H. Lefkow
)	Magistrate Judge Martin C. Ashman
MIDLAND CREDIT MANAGEMENT,)	
INC., MIDLAND FUNDING, LLC and)	
ENCORE CAPITAL GROUP, INC.,)	

Defendants.

**DEFENDANTS' AMENDED MOTION FOR TO DISMISS FIRST AMENDED
COMPLAINT AS TO PLAINTIFF ANGELA FULLER F/K/A ANGELA GRUBBS**

Defendants MIDLAND CREDIT MANAGEMENT, INC., MIDLAND FUNDING LLC and ENCORE CAPITAL GROUP, INC. ("defendants"), by and through their undersigned attorneys, move pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure to dismiss the First Amended Complaint as to plaintiff Angela Fuller f/k/a Angela Grubbs ("Fuller") for failure to state a claim upon which relief can be granted. In support of this Amended Motion, defendants state as follows:

1. Plaintiffs' First Amended Complaint alleges that defendants violated the Fair Debt Collection Practices Act ("FDCPA"). Defendants moved to compel arbitration and stay proceedings pending completion of arbitration against plaintiff Bonnie Webb. The Court denied this motion on June 5, 2012.

2. Plaintiff Fuller fails to state a claim upon which relief can be granted. Specifically, Fuller pleads no facts plausibly suggesting any claim of wrongdoing against Encore. Fuller does not allege that Encore acted against Fuller in any manner or allege any facts or theory of piercing the corporate veil. As to MCM and Midland, Fuller mischaracterizes a debt collection letter she received

from MCM. She alleges that because the subsequent collection lawsuit against her demanded a lower amount of her debt, that the defendants must have “inflated” the amount in the letter and threatened action which the defendants did not intend to take.

3. Fuller sets forth no well-pleaded factual allegations giving rise to a right to relief. Suing a debtor for a lower amount by not demanding the full amount is not a violation of the FDCPA. There are no allegations that the amounts demanded in the letter or the lawsuit were false or inaccurate.

4. In further support of this Amended Motion, defendants respectfully submit the attached memorandum of law.

WHEREFORE, defendants MIDLAND CREDIT MANAGEMENT, INC., MIDLAND FUNDING LLC and ENCORE CAPITAL GROUP, INC. pray that this Court dismiss the First Amended Complaint as to plaintiff Angela Fuller f/k/ Angela Grubbs with prejudice, enter judgment in favor of defendants and against plaintiff Fuller, award defendants their costs in this action, and grant defendants such other and further relief the Court considers proper.

Dated: June 7, 2012

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